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MARK L. GRINGERI

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MARK L. GRINGERI,

Plaintiff,

vs.

MERRILL LYNCH, PIERCE, FENNER &
SMITH, INCORPORATED,

Defendant.

CASE NO. C 08-03453 JW

**STIPULATION AND [PROPOSED]
ORDER OF DISMISSAL PURSUANT TO
FRCP 41(a)**

The Honorable James Ware

WHEREAS, plaintiff Mark Gringeri (“Gringeri”) has brought this action alleging various employment claims against Merrill Lynch, Pierce, Fenner & Smith Incorporated (“Merrill Lynch”);

WHEREAS, the parties have reached a settlement agreement which requires the parties to file a stipulation dismissing with prejudice all of Gringeri's claims. All costs and attorneys fees are to be borne by the respective parties who incurred such fees and costs except as set forth in the parties' Agreement and Release;

WHEREAS, the parties through their counsel of record hereby stipulate to the dismissal of this action in its entirety with prejudice, and this agreement and the associated entry of the requested dismissal will result in the termination of this case;

IT IS HEREBY STIPULATED pursuant to FRCP 41(a) that this case shall be and is hereby dismissed with prejudice as to Gringeri.

DATED: January 20, 2010

DATED: January 20, 2010

MUNGER, TOLLES & OLSON LLP

MESIROW & FINK

By: _____ /s/
KATHERINE M. FORSTER

By: /s/
STEVEN M. FINK

Attorneys for Defendant
MERRILL LYNCH, PIERCE, FENNER &
SMITH, INCORPORATED

Attorneys for Plaintiff
MARK L. GRINGERI

PURSUANT TO STIPULATION, IT IS SO ORDERED. The Clerk shall close this file.

Date: January 22, 2010

James Ware
The Honorable James Ware
United States District Judge

CERTIFICATION

I, Katherine Forster, am the ECF User whose identification and password are being used to file this STIPULATION AND [PROPOSED] ORDER OF DISMISSAL PURSUANT TO FRCP 41(a). In compliance with General Order 45.X.B., I hereby attest that Steven Fink concurred in this filing.